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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,930	07/07/2003	Shigeyuki Aino	Q76415	6921
23373	7590	10/18/2007	EXAMINER	
SUGHRUE MION, PLLC			TRUONG, LOAN	
2100 PENNSYLVANIA AVENUE, N.W.			ART UNIT	PAPER NUMBER
SUITE 800			2114	
WASHINGTON, DC 20037				
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10/18/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/612,930	AINO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	LOAN TRUONG	2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 June 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 and 9-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

### **DETAILED ACTION**

1. This office action is in response to the Request for Continuation filed on June 25, 2007 in application 10/612,930.
2. Examiner acknowledged that claims 1-4 and 9-11 are presented for examination. Claim 1 is amended. Claims 5-8 and 12-24 are cancelled.

#### ***Response to Arguments***

3. Applicant's arguments filed June 25, 2007 have been fully considered but they are not persuasive.

Applicant stated that McDonald does not teach the apparatus wherein the first and second computer elements keep said synchronism when said monitor element receives said address strobes during the same cycle. Applicant emphasis the fact that McDonald discloses an apparatus which includes a master and slave processor which provide ADS signal to a ready synchronizer and compare the ready signal to generates an alarm when either bus contains different values but does not suggest detecting the fault based on the ADS received during the same cycle or not. Further examination of McDonald would showed that the ADS signal are compare only after the RDY circuit (*fig. 1, 104*) has received both ADS signals from the processors (*col. 2 lines 61-65*). Also the RDY monitor monitors the RDY output of RDY circuit for activity and should there be no activity for a predetermine amount of time, then the RDY monitor will “time-out” forcing a RDY signal and a miscompare in the comparator (*col. 3 lines 5-15*). Valid set up and hold times allows the processor to complete the bus cycle (*clk signal, access cycle, fig. 3*,

*col. 3 lines 25-32 and lines 50-55).* It is obvious that if an access cycle by only one processor occurs, the ready monitor will time out forcing the pertinent alarms (*col. 3 lines 55-55*). For the above mention reasons, the rejections are maintained.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-4 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (EP 0817053 A1) in further view of McDonald (US 5,249,188).

In regard to claim 1, Williams et al. disclosed an information processing apparatus comprising:

first and second computer elements (*identical processing sets, fig. 1, 10, 11, 12*) which execute the same instructions substantially simultaneously in substantial synchronism (*operate in*

*synchronism under a common clock, col. 1 lines 10-16), and which have first and second memory elements (internal state storage memory, fig. 2, 22, col. 1 lines 16-20), respectively, and which have first and second processors respectively (processor, fig. 2, 20, col. 1 lines 16-20), wherein said first and second memory (internal state storage memory, fig. 2, 22, col. 1 lines 16-20) store first and second data (first recording mechanism can be activated to record memory update events and a second recording mechanism record at least a limited number of memory updates, fig. 3, 25, 26, col. 2 lines 39-43), respectively;*

*a monitor element (fault detector unit voter, fig. 1, 17, col. 1 lines 27-37) which finds which of said computer elements is out of said synchronism (output differ, col. 1 lines 34-48);*

*a third memory element (dirty RAM storage, fig. 4, 46, col. 8 lines 5-18, write buffer for secondary dirty page record, col. 10 lines 29-32) which stores an address (first-in-first-out buffer stores up to a predetermined number of update addresses, col. 4 lines 12-19) directed by a write access request (copying the contents of the main memory from a running system to the out-of-sync processing set, col. 2 lines 27-30) at the time when said monitor element (fault detector unit voter, fig. 1, 17, col. 1 lines 27-37) finds that said first computer element is out of said synchronism (output from the processing sets differ, col. 1 lines 34-37) and thereafter ; and*

*a copy element (reintegration mechanism, fig. 3, 27, col. 6 lines 1-7) which copies third data (reintegrating the other out-of-sync using software log, col. 5 lines 1-2) associated with said address or addresses out of said second data stored in said second memory (first-in-first-out buffer stores up to a predetermined number of update addresses, col. 4 lines 12-19) to said first memory element when said monitor element (fault detector unit voter, fig. 1, 17, col. 1 lines 27-*

37) finds that said first computer is out of said synchronism (*output from the processing sets differ, col. 1 lines 34-37*).

wherein said monitor element (*fault detector unit voter, fig. 1, 17, col. 1 lines 27-37*) is connected to a bus (*internal bus, fig. 1, 13, col. 1 lines 20-25*) which is directly connected to said first and second (*identical processing sets, fig. 1, 10, 11, 12*) processor (*processor, fig. 2, 20, col. 1 lines 16-20*);

Williams et al. does not teach the apparatus comprising of a monitor element receiving address strobes from said first and second processor, and determines that said first and second computer elements keep said synchronism when said monitor element receives said address strobes during the same cycle in order.

McDonald teach the apparatus of synchronizing two processor as an integral part of fault detection by implementing a master and a slave processors to resynchronize at every bus cycle by conditioning the processors' READY signal with the ADS (address status) signals from each processor wherein ADS indicates that an access cycle has begun and a valid address is present on the address bus. Furthermore, if a predetermined amount of time passes before both ADS signals are received then the processors are signaled to continue with the cycle and because the processors are no longer synchronized, the buses will miscompare, thereby detecting a fault (*abstract, col. 2 lines 35-68 and col. 3 lines 5-16*).

It would have been obvious to modify the apparatus of William et al. by adding McDonald synchronizing two processors as an integral part of fault detection. A person of ordinary skill in the art at the time of applicant's invention would have been motivated

to make the modification because it would provide a means of synchronizing two or more processors and thereby allowing detection of faults in a processor CPU system (*col. 1 lines 47-50*).

In regard to claim 2, Williams et al. disclosed the information processing apparatus as claimed in claim 1, wherein said copy element (*reintegration mechanism, fig. 3, 27, col. 6 lines 1-7*) is activated (*less traumatic out-of-sync events, col. 2 lines 20-23*) unless a permanent failure (*failure of a single processing set, col. 2 lines 10-19*) occurred in said first computer element (*out-of-sync processor, col. 6 lines 1-6*).

In regard to claim 3, Williams et al. disclosed the information processing apparatus as claimed in claim 1, wherein said monitor element (*fault detector unit voter, fig. 1, 17, col. 1 lines 27-37*) finds that said first computer element (*out-of-sync processor, col. 6 lines 1-6*) is out of said synchronism (*output differ, col. 1 lines 34-48*) based on the time in which it receives first signals from all of said computer modules (*identical processing sets, fig. 1, 10, 11, 12*).

In regard to claim 4, Williams et al. disclosed the information processing apparatus as claimed in claim 1, wherein said monitor element (*fault detector unit voter, fig. 1, 17, col. 1 lines 27-37*) finds that said first computer element (*out-of-sync processor, col. 6 lines 1-6*) is out of said synchronism (*output differ, col. 1 lines 34-48*) based on the time (*identical output, col. 1 lines 26-37*), commands (*commands from the processing sets, fig. 1, 10, 11, 12, col. 1 lines 26-37*) and addresses of requests (*address decoder, fig. 9, 91, col. 11 lines 16-28*) from all of said

computer modules (*identical processing sets, fig. 1, 10, 11, 12*).

In regard to claim 9, Williams et al. disclosed the information processing apparatus as claimed in claim 1, wherein said third memory element stores (*dirty RAM storage, fig. 4, 46, col. 8 lines 5-18*) an address or addresses (*first-in-first-out buffer stores up to a predetermined number of update addresses, col. 4 lines 12-19*) which is directed when contents of a cache (*write buffer for secondary dirty page record, col. 10 lines 29-32*) is written to said memory element (*internal state storage memory, fig. 2, 22, col. 1 lines 16-20*).

In regard to claim 10, Williams et al. disclosed the information processing apparatus as claimed in claim 1, wherein said address (*first-in-first-out buffer stores up to a predetermined number of update addresses, col. 4 lines 12-19*) indicates the location (*dirty RAM storage, fig. 4, 46, col. 8 lines 5-18*) in said first memory (*out-of-sync processor, col. 6 lines 1-6*) which has possibility of inconsistency (*pages have been modified by the out-of-sync processor, col. 8 lines 5-18*) with said second memory (*internal state storage memory, fig. 2, 22, col. 1 lines 16-20*).

In regard to claim 11, Williams et al. disclosed the information processing apparatus as claimed in claim 1, wherein said copy element (*reintegration mechanism, fig. 3, 27, col. 6 lines 1-7*) copies said part of the data (*copy corresponding memory portion, col. 6 lines 1-6*) by utilizing a direct memory transmission (*copying contents of main memory from running system to out-of-sync processing sets, col. 2 lines 27-48*).

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO 892.

❖ US 5,993,055 Williams

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LOAN TRUONG whose telephone number is (571) 272-2572. The examiner can normally be reached on M-F from 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SCOTT BADERMAN can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2114

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Loan Truong  
Patent Examiner  
Art Unit: 2114



SCOTT BADERMAN  
SUPERVISORY PATENT EXAMINER